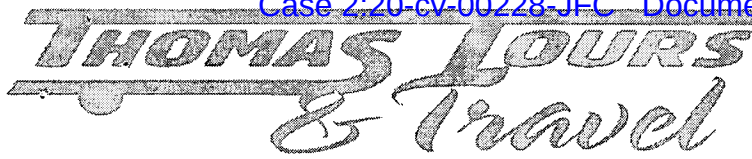


EXHIBIT 4



763 CARL AVENUE • NEW KENSINGTON, PA 15068
THOMASTOURS.COM • 1-800-473-1551 • 724-337-9000

October 11, 2018

Skaar & Feagle, LLP
2374 Main Street, Suite B
Tucker, GA 30084

Re: Copyright Infringement Extortion Demand Steve Markos d/b/a National Park Planner v. Thomas Tours Inc.

To Whom It May Concern:

Thank you for your letter dated September 28, 2018 notifying Thomas Tours, Inc. that the website Thomastours.com may have used an image represented by your client, without authorization.

If the alleged copyright infringement did take place, be assured that it was entirely innocent and unwilling. However, until this matter is resolved, and as a good-faith gesture, the potentially infringing image has been removed from the Website, and any other location on our server, including any server backups.

As a proposed licensing fee does not determine copyright infringement damage awards while admitting no guilt or wrongdoing, we are willing to offer a reasonable settlement based upon the fair market value. As noted in *Davis v. Gap, Inc.*, 246 F.3d 152 (2d Cir. N.Y. 2001);

"[C]ourts have construed "actual damages" by examining the fair market value of a license fee that the copyright owner would have obtained for the infringer's use of the copyrighted material" . . . "The question is not what the owner would have charged, but rather what is the fair market value."

We have found dozens of nearly identical or similar images that could easily replace the image at issue here. In some cases, the photos are available for a fee while others require credits. Below find some of the many functionally identical images from comparable stock photo sites. All prices listed are for sizes equivalent to the image in question, approximately [450 X 300 pixels]. (Please refer to Addendum A.)

Based upon our analysis of easy-to-find comparable images to the one at issue here, we calculate that a small sized, unremarkable image of the Flight 93 Memorial Wall has a fair market value of \$0.495 cents. As such, we are willing to offer National Park Planner \$4.95, which is equivalent to the minimum 10-credit purchase on Alamy's Stock Photo Secrets site. We hope our offer will amicably and expeditiously close this matter.

If you choose to reject the above offer, we ask that you provide the following information to establish your rights to the Image and to further support your settlement demand amount.


- Please provide proof of National Park Planner's right to manage the Image.
- Please provide proof of proper copyright registration and the chain of title for the Image.
- Please provide a clear explanation as to how National Park Planner has determined the valuation of this image as being so far above comparable images.
- Please provide sales data for the Image for each size and use.
- Please detail your costs incurred related to the pursuit of this case.

We will expect and require the above information before proceeding further. Thank you again for notifying us of this alleged infringement. We respect and appreciate the fair and reasonable application of copyright law. I hope you find this settlement offer adequate to close this matter prior to both parties investing more time and resources.

Sincerely,

Michael Thomas
Thomas Tours Inc.
President



Addendum A




Media type: Editorial image | 1031554414
 Use: Editorial use of web-res file - Editorial images | Show more
 License type: Rights-managed | View license summaries

☒ SELECT FOR PURCHASE

Price \$49.00 USD
 Recalculate price



 




Media type: Editorial image | 1031554335
 Use: Commercial use of web-res file - Editorial images | Show more
 License type: Rights-managed | View license summaries

☒ SELECT FOR PURCHASE

Price \$49.00 USD
 Recalculate price



 



Media type: Editorial image | 180313319
 Use: Commercial use of web-res file - Editorial images | Show more
 License type: Rights-managed | View license summaries

☒ SELECT FOR PURCHASE

Price \$175.00 USD
 Recalculate price

Price a rights-managed image

gettyimages®

The license details are shown below. To change any of your selections, click Edit next to the section you want to change. To discard your selections and choose all new ones, click Start over.

License summary

1. Image usage

Edit

Editorial image #: 180313319

Use: \$49 - 413 px, 3-month for Web & Mobile

Format: Commercial use of web-res file - Editorial images

This use covers: ONE of the following uses- on any single page in one corporate or promotional website for up to 3 months (renewable) OR one web advertisement on no more than one website for up to 3 months (renewable) OR one promotional email sent to no more than 10,000 recipients for up to 3 months (renewable). To purchase a license for broader use or a longer duration please select a different usage above.

2. Usage specs

Edit

Start date: 12 Oct 2018

Duration: Up to 3 months

3. Target market


Edit

Territory: United States


Industry: Travel / Tourism

Start over

Item:




Editorial image #: 180313319
 Price \$49.00 USD


 UPDATE CART

Taxes not applied

Questions?

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 Contact us

 Learn more about licensing



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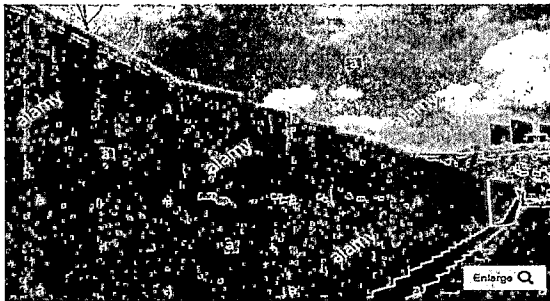
Choose another rights-managed license

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→ Image use

Details of use

Somerset County, PA, USA - May 8, 2015 : Wall of Names at Flight 93 National Memorial running between visitors center on top of - Image ID: EPOFW9



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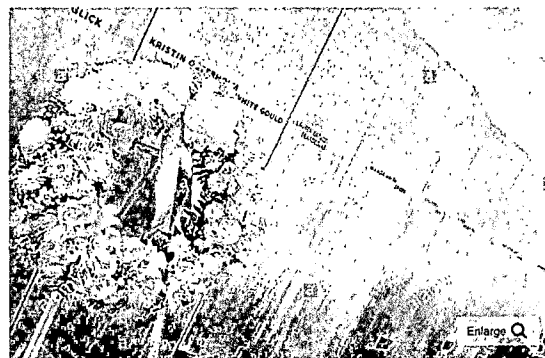
- ☐ XSmall
450 x 300 px 15.0 x 10.0 cm 150 dpi 300 KB \$ 49.00
- ☐ Small
775 x 517 px 31.3 x 20.4 inches 150 dpi 1.2 MB \$ 65.00
- ☐ Medium
1646 x 1110 px 64.8 x 43.7 inches 150 dpi 5.3 MB \$ 190.00
- ☐ Large
3329 x 2218 px 131.5 x 87.4 inches 150 dpi 21.1 MB \$ 245.00
- ☐ XLarge
4438 x 2952 px 175.1 x 118.1 inches 150 dpi 29.6 MB \$ 315.00

Somerset County, PA, USA - May 8, 2015 : Wall of Names at Flight 93 National Memorial running between visitors center on top of

Contributor: karientolephotography / Alamy Stock Photo

Image ID: EPOFW9

Visitors view the Wall of Names, located at the end of Memorial Plaza at Flight 93 National Memorial, Shanksville, Somerset County, Pennsylvania, USA -
 Image ID: PN44W0



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Choose another rights-managed license

Select from the license options below to get a price

→ Image use

Details of use

Image size

Our Stock Photo Pricing Comparison

To better understand the question: "How much does a stock photo cost?", it will depend on what agency you choose, and whether or not you go with a member subscription or a credit purchase plan.

There are stock agencies on the higher-end of the price spectrum while others like us are more conducive to small-business owners with a tight budget.

For instance, we currently have a limited-time membership plan that gives you 200 High-resolution XXL Images for print for \$99 (only \$0.49 per image!), which is a great deal for new stock buyers.

Read more about how the 99club can save you money on royalty free photos here.

How Much Does a Stock Photo Cost?

Stock Agency	Number of Images	Price	Avg Image Price
Stock Photo Secrets	200 XXL Images	\$99	\$0.495 per Image
Shutterstock	25 Images	\$229	\$9.16 per image
iStock	60 Credits or Images	\$520	\$8.67 per image

Stock agencies have a wide variety of subscription plans that will suit the budget for anyone with photo needs, whether it's for personal use or a large company.

Search for images

WE RECOMMEND

